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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,289	08/27/2001	Philip Harland	36-1505	4131

7590 08/04/2004

Nixon & Vanderhye  
1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

EXAMINER
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VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/914,289

Applicant(s)

HARLAND ET AL.

Examiner

Ted T. Vo

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2122

**DETAILED ACTION**

1. This action is in response to the application filed on 08/27/2001.

Claims 1-9 are pending in the application.

***Specification***

2. The specification of this application is objected to.

- The abstract of the disclosure is objected to because it contains a dangling word "Figure (6)".

Correction is required.

- The Arrangement of the Specification fails to comply under requirement of 37 CFR 1.77(b).

Correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Ashby et al., (EP 0 838 771 A2) submitted by Applicants in priority documents.

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per Claim 1: Ashby discloses, "*A computer system including:*

Art Unit: 2122

*a version of an application program stored in said computer system (See page 3, Section: Summary of the Invention, "navigation application software program");*

*at least one data access component stored in said computer system (See page 3, Section: Summary of the Invention, "data access interface layer"), the or each data access component being associated with a set of data stored in said computer system (See page 3, Section: Summary of the Invention, "geographic data");*

*the or each data access component being arranged to receive a data query from said version of said application program, access its associated data set in response to said query, and transmit a reply to said version of said application program (See page 3, Section: Summary of the Invention, "retrieve geographic data" and "converts the data into a format"); and*

*one of said data access components being arranged to access its associated data set both to respond to a query designed for the present version of the structure of its associated data set and also to respond to a query designed for an earlier version of the structure of its associated data set."*(See page 23, lines 35-45, "allow a newer navigation application software program to use and older version of a geographic database").

As per Claim 2: Ashby discloses, "A computer system as claimed in claim which the or each data set comprises a set of records each of which has a set of fields, and the difference between the present and earlier versions of the structure of the data set associated with said one data access component is that the records of the present version include at least one additional field." (See page 22, Section Updating and compatibility across version changes; particularly, lines 40-41, "contains a list of changes" *the difference between the present and earlier versions*, lines 51-58, "new format": *at least one additional field*).

As per Claim 3: Ashby discloses, "A computer system as claimed in claim 1, in which each data access component comprises at least one software object, and said one data access component comprises at least two software objects, one of which is arranged to respond to a query designed for the present version of the structure of its associated data set and the other of which is arranged to respond to a query designed for the earlier version of the structure of its associated data set." (See whole section Updating

Art Unit: 2122

and compatibility across version changes, pages 22-23; particularly, lines 51-58, "allow a newer navigation application software program to use and older version of a geographic database")

As per Claim 4:

Ashby discloses *"the computer system includes a client computer, a server computer and a communications network arranged to connect the client computer to the server computer; and said version of said application program and said at least one data access component are stored on said client computer; and said data sets are stored in said server computer."* (See page 22, line 48, "wireless broadcast or updating stations": a server computer).

As per Claim 5: Ashby discloses, *"A computer system as claimed in claim 4, in which a plurality of versions of said application program are stored on said server computer, and said client computer is arranged to download one or more of said versions of said application program from said server computer for use on said client computer."* (See page 22, line 48, "wireless broadcast or updating stations": a server computer).

As per Claim 6: Ashby discloses, *"A computer system as claimed in claim 5, in which said at least one data access component is stored on said server computer, and said client computer is arranged to download said at least one data access component from said server computer for use on said client computer."* (See page 22, line 48, "wireless broadcast or updating stations": a server computer).

As per Claim 7: Ashby discloses, *"A computer system as claimed in claim 4, wherein the client computer is a mobile phone, WAP terminal or mobile-IP terminal and the communications network includes a radio transmission system over which data connections can be made between the client computer and the server computer."* (See page 22, line 48, "wireless broadcast or updating stations": a radio transmission system; page 23 lines 49-57, "hand-held unit": WAP terminal or mobile-IP terminal).

As per Claim 8: Ashby discloses, *"A method of operating the computer system of claim 6, in which at least one version of the application program and said at least one data access component are downloaded from the server computer in separate operations."* (See page 22, line 48, "wireless broadcast or updating stations": a server computer).

As per Claim 9: Ashby discloses, " *A method of operating a computer system, said computer system including a version of an application program stored in said computer system, at least one data access component stored in said computer system, the or each data access component being associated with a set of data stored in said computer system, the or each data access component being arranged to receive a data query from said version of said application program, access its associated data set in response to said query, and transmit a reply to said version of said application program, said method comprising the steps of :*

*changing the structure of one of said data sets (See page 22, Section Updating and compatibility across version changes; particularly, lines 51-58, "new format": at least one additional field); and*

*modifying the data access component associated with said one data set (See page 22, Section Updating and compatibility across version changes; particularly, lines 40-41, "updated geographic data");*

*the modification to said data access component permitting it to handle queries from the present version of the application program directed to said one data set but designed for the data set before the change in its structure."* (See whole section Updating and compatibility across version changes, pages 22-23; particularly, lines 51-58, "allow a newer navigation application software program to use and older version of a geographic database").

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.  
**Rowley**, US No. 5,999,740, discloses a software update mechanism over network.  
**Beswick et al.**, US No. 6,462,616 B1, discloses voice recognition in computer telephony system.  
**Huang et al.**, US No. 6,553,375 B1, discloses a system for software distribution to handheld devices.

Art Unit: 2122

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers:

(703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*TED T. VO*  
Patent Examiner  
Art Unit: 2122  
July 21, 2004